

## OGC HAS REVIEWED.

3 November 1951

MEMORANDUM FOR THE RECORD

SUBJECT: Application of Trial Period to Certain Veterans

1. This afternoon Mr. [REDACTED] Deputy General Counsel, and I visited Mr. L. V. Haley, Acting General Counsel, U. S. Civil Service Commission. The purpose of our visit was to discuss the Commission's regulations relating to persons who transfer without a break in service from another agency to CIA in the same or a "different line of work". When we explained the problem, Mr. Haley called in Mr. Joseph Welch of his staff and the two of them gave us the following information:

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a. Paragraph 6, Chapter 31-26 under "Interpretations With Regard to Coverage" states:

6. A permanent or indefinite preference eligible employee serving in a competitive or excepted position who is given an excepted appointment without break in service in the same line of work in either the same or a different agency is covered by Part 22 in his new position if:

a. He has completed a probationary or trial period or one year of current continuous employment in the previous position, or

b. He completes in both positions a combined service equivalent to a probationary or trial period or one year of current continuous employment.

If the new excepted appointment is in a line of work different from the previous position, the provisions of Part 22 are not applicable until the employee has completed one year of current continuous employment under the new excepted appointment.

b. The key point in this interpretation is continuous service. Not apparent from the quoted interpretation above is the fact that service in the Agency must be under other than a temporary appointment. A further interpretation by the Commission, according to Mr. Welch, is that a change in grade at the time of transfer, either up or down, would constitute a "different line of work". On this point neither Mr. Welch nor Mr. Meloy were willing to concede categorically that this interpretation would be applied universally.

c. Both Mr. Meloy and Mr. Welch admitted that the Commission had not defined clearly what it means by "a same line of work". For example, it is possible that in any given case the Commission would hold that a position classified in series 306 would be in the same line of work as a position classified in series 1121. These two series are used, for example, since they are in the same job family.

**SIGNED**

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Executive Officer  
Office of Personnel

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Or/C [REDACTED] pe (4 Nov 55) 25X1A9a